

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

ETF-0005

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/510,184

PRIORITY DATE CLAIMED

19 April 2002

INTERNATIONAL APPLICATION NO.
PCT/EP03/00238INTERNATIONAL FILING DATE
13 January 2003TITLE OF INVENTION
SAFETY DEVICE FOR A VEHICLE

APPLICANT(S) FOR DO/EO/US

MARC SCHMIZ, ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A power of attorney and/or change of address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. Express Mail Label No.
23. Other items or information:

Notice of Missing Requirements

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/510,184		INTERNATIONAL APPLICATION NO. PCT/EP03/00238		ATTORNEY'S DOCKET NUMBER ETF-0005	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee				\$300	\$0.00
25. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). All other situations.				\$100 \$200	\$0.00
26. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority International Search Report prepared and provided to the Office All other situations.				\$100 \$400 \$500	\$0.00
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
- 100 =	0 /50 =	0		x	\$ \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	35 - 20 =	15	x	\$18.00	\$ \$0.00
Independent claims	4 - 3 =	1	x	\$86.00	\$ \$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>				+	\$ \$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$130.00
05/20/2005	LLANDGRA 00000034 061130 10510184			Amount to be	\$
01 FC:1617	130.00 DA			Amount to be	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-1130</u> in the amount of <u>\$130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-1130</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Daniel F. Drexler Registration No. 47,535 CANTOR COLBURN LLP 55 Griffin Road South Bloomfield, CT 06002 Telephone: 860-286-2929					
 SIGNATURE Daniel F. Drexler 05/12/05					
NAME 47,535 REGISTRATION NUMBER					

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): MARC SCHMIZ, ET AL.

Docket No.

ETF-0005

Application No.
10/510,184Filing Date
09/30/2004

Examiner

Customer No.
23413

Group Art Unit

Invention: SAFETY DEVICE FOR A VEHICLE

I hereby certify that this Response to File Missing Requirements/Declaration/Power of Attorney
(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

MAY 13, 2005
(Date)

Jennifer Lepage

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MARC SCHMIZ, ET AL.)
)
)
SERIAL NO.: 10/510,184)
)
FILED: September 30, 2004)
)
FOR: SAFETY DEVICE FOR A VEHICLE)

RESPONSE WITH REMARKS TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Requirements of April 28, 2005, please enter
the following:

Remarks, beginning on page 2 of this paper.

REMARKS

This Response is submitted in reply to the outstanding Notification of Missing Requirements dated 28 April 2005. Therein, the Office states that fees in the amount of \$710 are due as follows: \$350 for 22 total claims over 20; and \$360 for multiple dependent claims.

Applicants respectfully submit that this request is improper and that no fees are due.

A preliminary amendment was filed in this application on 30 September 2004 in which claims 3, 4, 6, 8, 12, 14, 15, 19, and 22-25 were amended and claims 26-35 were newly added. Proper claim fees were submitted with the preliminary amendment (\$270 for 15 total claims over 20 and \$86 for one independent claim over three).

As set forth in the preliminary amendment, the claims do not include 22 total claims over 20 nor do the claims include any multiple dependencies. Thus, the additional fees requested in the outstanding Notification are improper. Reconsideration and withdrawal of this request is respectfully requested.

Respectfully submitted,

By: 
Daniel F. Drexler
Registration No. 47,535
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone: 860-286-2929
Facsimile: 860-286-0115
Customer No. 23413

Date: May 12, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,184	Marc Schmiz	ETF-0005

RECEIVED

23413
 CANTOR COLBURN, LLP
 55 GRIFFIN ROAD SOUTH
 BLOOMFIELD, CT 06002

MAY 02 2005

CANTOR COLBURN LLP

INTERNATIONAL APPLICATION NO.
PCT/EP03/00238

I.A. FILING DATE	PRIORITY DATE
01/13/2003	04/19/2002

CONFIRMATION NO. 6797
 371 FORMALITIES LETTER



OC000000015894572

Date Mailed: 04/28/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/30/2004
- English Translation of the IA filed on 09/30/2004
- Copy of the International Search Report filed on 09/30/2004
- Copy of IPE Report filed on 09/30/2004
- Preliminary Amendments filed on 09/30/2004
- Information Disclosure Statements filed on 09/30/2004
- U.S. Basic National Fees filed on 09/30/2004
- Priority Documents filed on 09/30/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- X
- Additional claim fees of \$710 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
 - Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

DOCKETED	
Due:	June 28
Item:	110
Initials:	JLM On: 5/3/05

Total additional fees required for this application is \$840 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$ 710
 - \$350 for 22 total claims over 20.
 - \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,184	PCT/EP03/00238	ETF-0005

FORM PCT/DO/EO/905 (371 Formalities Notice)